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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **SUZUKI, Jun**

Group Art Unit: **Not Yet Assigned**

Serial No.: 10/594,491

Examiner: **Not Yet Assigned**

Filed: **September 28, 2006**

For. **ACTUATOR FOR PICKUP, PICKUP DEVICE, RECORDING MEDIUM DRIVE
DEVICE, AND METHOD OF PRODUCING ACTUATOR FOR PICKUP**

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 29, 2007

Sir:

The attention of the Patent and Trademark Office is hereby directed to the PCT Notification of Transmittal of copies of translation of the International Preliminary Report on Patentability (PCT Chapter II) attached herewith.

This Notification is submitted herewith to be placed in the U.S. Patent and Trademark Office file of this case.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: PCT Notification of Transmittal of Copies of Translation
of the International Preliminary Report on Patentability (PCT Chapter II).

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 58P1017W0122	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2005/006154	International filing date (day/month/year) 30.03.2005	Priority date (day/month/year) 30.03.2004
International Patent Classification (IPC) or national classification and IPC G11B7/09(2006.01) i, G11B7/22(2006.01) i		
Applicant PIONEER CORPORATION		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows:	
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	
b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items:	
<input checked="" type="checkbox"/>	Box No. I Basis of the report
<input type="checkbox"/>	Box No. II Priority
<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI Certain documents cited
<input type="checkbox"/>	Box No. VII Certain defects in the international application
<input type="checkbox"/>	Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/006154

Box No. I

Basis of the report

1. With regard to the language, this report is based on:
- ☒ the international application in the language in which it was filed
- ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rule 55.2(a) and/or 55.3(a))
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-3, 6-21 as originally filed/furnished
- pages* 4, 5, 5/1 received by this Authority on 27.01.2006
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 4, 6, 7 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1, 3, 5, 8, 12-16 received by this Authority on 27.01.2006
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets fig. 1-14 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 2, 9-11
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/006154

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1, 3, 4, 6-8, 12, 13, 15, 16	YES
	Claims	5, 14	NO
Inventive step (IS)	Claims		YES
	Claims	1, 3-8, 12-16	NO
Industrial applicability (IA)	Claims	1, 3-8, 12-16	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>Document 1: JP 2003-346366 A (Mitsubishi Electric Corp.), 05 December 2003, paragraphs [0014] to [0048], fig. 1 to 16</p> <p>Document 2: JP 6-236565 A (Seiko Epson Corp.), 23 August 1994, paragraphs [0023] to [0024], fig. 8 & US 5790510 A1 & US 6018509 A1 & WO 1994/011869 A1 & EP 621587 A1</p> <p>Document 3: JP 8-321052 A (Mitsumi Electric Co., Ltd.), 03 December 1996, paragraphs [0005] to [0019], fig. 1 to 4</p> <p>Document 4: JP 3-147530 A (Olympus Optical Co., Ltd.), 24 June 1991, page 2, upper left column, line 3 to page 4, upper right column, line 17; fig. 1 to 5 & US 5428481 A1</p> <p>Document 5: JP 2002-184001 A (Samsung Electronics Co., Ltd.), 28 June 2002, paragraphs [0016] to [0022], fig. 4 to 7</p> <p>Document 6: JP 2004-5822 A (Mitsumi Electric Co., Ltd.), 08 January 2004, paragraphs [0007] to [0029], fig. 1 to 4</p> <p>Document 7: JP 2001-229555 A (Pioneer Electronic Corp.), 24 August 2001, paragraphs [0016] to [0087], fig. 1 to 25</p>			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Document 8: JP 2001-344784 A (Matsushita Electric Industrial Co., Ltd.), 14 December 2001, paragraphs [0021] to [0044], fig. 1 to 5

The inventions set forth in claims 1, 3, 4, 7, 8, 12 and 13 do not involve an inventive step in the light of the invention disclosed in the abovementioned sections of document 1, which is cited in the international search report, and the inventions disclosed in documents 2 to 4. Prior to the filing of the present application, configurations wherein the interval between adjacent elastic members is wider on the base side than on the holder side were well known in the pertinent technical field, as disclosed in documents 2 to 4.

The inventions set forth in claims 5 and 14 are disclosed in the abovementioned sections of document 1; therefore, the inventions in question lack novelty and do not involve an inventive step.

The inventions set forth in claims 6 and 15 do not involve an inventive step in the light of the invention disclosed in document 1 and the inventions disclosed in the abovementioned sections of documents 4 and 5, which are cited in the international search report. It would have been easy for a person skilled in the art to modify the invention disclosed in document 1 so that the terminals of the coils serve as a common ground and so that there are a total of four wires, like in the inventions disclosed in documents 4 and 5.

The invention set forth in claim 16 does not involve an inventive step in the light of the invention disclosed in document 1 and the inventions disclosed in documents 6 and 7, which are cited in the international

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/006154

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

search report. Prior to the filing of the present application, inventions wherein an insert molding process is carried out during the production of an optical means driving device like the device disclosed in document 1 were well known in the pertinent technical field, as disclosed in the abovementioned sections of documents 6 and 7.